United Nations S/2010/323

Security Council

Distr.: General
21 June 2010

Original: English

**Letter dated 18 June 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Malaysia to the United Nations addressed to the President of the Security Council**

I have the honour to transmit herewith the letter from the Honourable Dato' Sri Mohd. Najib, the Prime Minister of Malaysia, addressed to the Permanent Representative of Mexico as the current President of the Security Council (see annex). The letter is related to the recent unprovoked attack by the Israeli Defence Forces on vessels carrying humanitarian aid to Gaza.

I would like to request that the present letter and its annex be circulated as a document of the Security Council.

*(Signed)* Raja Nushirwan **Zainal Abidin**
Charge d'affaires

10-41633 (E) 280610

Please recycle

## Annex to the letter dated 18 June 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Malaysia to the United Nations addressed to the President of the Security Council

## Letter dated 17 June 2010 from the Prime Minister of Malaysia addressed to the President of the Security Council

The people of Malaysia are deeply saddened and shocked by the recent deadly attack by the Israeli Defence Forces in international waters on the vessel *Mavi Marmara*, which was carrying humanitarian aid to Gaza. This unprovoked attack resulted in the killing and injuring of innocent and unarmed volunteers on board the vessel and is in complete disregard of international law as well as a clear violation of the Charter of the United Nations.

Malaysia strongly condemns the attack on the humanitarian aid vessel and stands firm that there is no excuse for the disproportionate, indiscriminate and excessive use of force by the Israeli Defence Forces on the humanitarian activists. It is incredulous that the attack was carried out in international waters off the Gaza coast, and Malaysia considers this act as a crime against humanity.

The Malaysian people abhor this wanton act. I tabled a Motion in the Malaysian Parliament on 7 June 2010, condemning the Israeli attack on the Freedom Flotilla in international waters. The 15-point resolution passed by the Malaysian Parliament, inter alia, demands that the United Nations Security Council censure Israel, calls for the Security Council to refer the attack to the International Criminal Court (ICC), urges the United Nations to obtain an advisory opinion from the International Court of Justice (ICJ), supports the demands by the international community, particularly the Human Rights Council, for an accountable and fully independent investigation on the attack, demands that Israel not block any humanitarian aid convoy to the Palestinian people, particularly in Gaza, consistent with Security Council resolution 1860 (2009); and appeals to the international community to continue extending humanitarian aid to the Palestinian people in Gaza. A copy of the resolution is enclosed.

As President of the Security Council, you have a crucial and important role to play. I would like to seek your personal intervention with the other members of the Security Council to call for a prompt, impartial, credible and transparent investigation into the Israeli attack on the innocent civilians in international waters and to demand that all parties concerned comply with the multitude of United Nations resolutions concerning the question of Palestine, including Security Council resolution 1860 (2009), as stated in the Security Council's presidential statement adopted on 1 June 2010 (S/PRST/2010/9). There is a real danger of an alarming humanitarian crisis developing and putting at risk thousands of human lives if the inhumane blockade of Gaza is not fully lifted.

Malaysia is of the view that the international community and the United Nations should make every effort to ensure that this aggressive unilateral action by Israel will not lead to a widening of the conflict in the region.

Excellency, may I count on your continued support in finding a peaceful and enduring solution to the problems in the Middle East.

(*Signed*) Dato' Sri **Mohd. Najib**

**Enclosure**

## Motion in the Parliament of Malaysia condemning the Israeli attack on the Freedom Flotilla carrying humanitarian aid to Gaza

7 June 2010

In accordance with Standing Orders 27 (3), the House of Representatives of the Parliament of Malaysia hereby adopts the following resolution:

THAT, the Zionist military regime, under the orders of the Prime Minister of Israel, Benjamin Netanyahu, launched an attack without reason in international waters on the Freedom Flotilla vessel convoy carrying humanitarian aid to Gaza on 31 May 2010, which has resulted in deaths and injuries to the members of the humanitarian aid convoy;

THAT, the Zionist regime's attacks on the humanitarian aid vessels are in violation of international law, including human rights law, international humanitarian law and the Charter of the United Nations;

THAT, similar sentiments were voiced through the joint statement of the Foreign Ministers of the Association of Southeast Asian Nations (ASEAN) and the Gulf Cooperation Council (GCC) in Singapore on 1 June 2010, which sternly condemned the actions of the Israel Zionist regime;

THAT, the people of Malaysia hold firmly the position that there is no justification for the excessive use of force on the humanitarian aid vessels bound for Gaza in aid of the Palestinian people; and

THAT, the people of Malaysia are deeply dismayed at the inability of the international community, particularly the United Nations Security Council, to take any strong action with regard to this violent act by the Zionist regime.

THUS THIS HOUSE resolves to make the following resolutions:

(1) Strongly condemn the attack by the Zionist military regime, under the orders of the Prime Minister of Israel, Benjamin Netanyahu, on the humanitarian aid mission vessels to Gaza, which has resulted in deaths and injuries to civilians;

(2) Record profound disappointment with the United Nations Security Council on its mild statement on the violent attack by the Zionist regime on the humanitarian aid mission vessels;

(3) Decide to demand that the United Nations Security Council censure Israel and not merely issue a mild statement;

(4) Decide for Malaysia to cooperate with the member countries of the Organization of the Islamic Conference (OIC), the Non-Aligned Movement (NAM), the League of Arab States and other like-minded countries to uphold the principles of international law, including human rights law, international humanitarian law and the Charter of the United Nations, in dealing with the humanitarian crisis in Gaza;

(5) Urge like-minded countries to propose a motion to the United Nations Security Council to refer the situation resulting from the attack by the Israel Zionist military regime to the International Criminal Court (ICC);

(6) Urge like-minded countries to propose a motion to the United Nations General Assembly to seek an advisory opinion from the International Court of Justice (ICJ);

(7) Request the State of Turkey to consider initiating action under the Rome Statute of the International Criminal Court (ICC);

(8) Call for a fully independent investigation to be conducted on the attack by the Zionist military regime and not merely an impartial investigation;

(9) Fully support the demands by the international community, particularly the Human Rights Council through its resolution 14/1 of 2 June 2010, for an accountable and fully independent investigation to be carried out on the attack;

(10) Demand that Israel not block any humanitarian aid convoy to the Palestinian people, particularly in Gaza, consistent with United Nations Security Council resolution 1860 (2009);

(11) Welcome the action by the State of Egypt to unconditionally open the Rafah border to ensure the unobstructed channelling of humanitarian aid;

(12) Appeal to the international community to continue extending humanitarian aid to the nationals of the Palestinian Territories in Gaza without being intimidated, and undaunted by the threats of the Zionist regime;

(13) Express appreciation to the States of Jordan, Turkey, Ireland, the Philippines and other countries that are involved in the efforts to secure the release of Malaysian nationals who were detained by the Zionist regime;

(14) Urge the Palestinian people to unite in safeguarding their inalienable rights to establish a free, independent and sovereign State of Palestine; and

(15) Express the solidarity of the people of Malaysia towards the cause of the Palestinian people in the establishment of a free, independent and sovereign State of Palestine.